

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 9, 2025

Christopher M. Wolpert
Clerk of Court

HEATHER SMITH, individually and on
behalf of all others similarly situated,

Plaintiff - Appellee,

v.

WHALECO INC., d/b/a TEMU,

Defendant - Appellant.

No. 24-6155
(D.C. No. 5:23-CV-00559-D)
(W.D. Okla.)

ORDER

Before **TYMKOVICH**, **BACHARACH**, and **PHILLIPS**, Circuit Judges.

This matter is before the court on the parties' *Stipulated Motion to Voluntarily Dismiss Appeal*. As an initial matter, the abatement of this appeal is lifted.

The stipulation filed by the parties to dismiss the captioned appeal is granted. See Fed. R. App. P. 42(b). Each party shall bear its own costs.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk